

Atty. Dkt. No. K01-008
(formerly 00010.US00)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-5, 8, 9, 12, 15-17, 19-25 and 27 are currently being amended.

Claims 28 and 29 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-29 are now pending in this application.

Applicant has amended dependent claims 2-5, 8, 9, 15-17, 19, 20 and 23-25. The amendment of these claims is not made to overcome a prior art rejection, but rather to more clearly recite the invention. Similarly, certain amendments to the independent claims are made merely to more clearly recite the invention.

Claims 21-27 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 21 to more clearly recite the invention and place it in definite form. Further, the amendment of claim 21 provides antecedent basis for "the player" in claim 22. Claims 22-25 have been amended to correct minor informalities. Finally, claim 27 has been amended to provide antecedent basis for "the player." Accordingly, claims 21-27 are now in definite form.

Claims 24 and 26 were objected to as being of improper dependent form. The Office Action asserts that "it's not clear how these claims further limit the scope of claim 21" Applicant respectfully submits that claims 24 and 26 each recite an additional limitation.

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Specifically, claim 24 recites "receiving contact information of the player." Since claim 21 has been amended to recite "a player," claim 24 is now in proper dependent form.

Similarly, claim 26 recites "calculating the total number of players." As recited in paragraph [0040] of the specification, one embodiment of the "system also keeps track of the total number of participants that have taken the quiz" In this regard, claim 26 is in definite form.

Claims 21-26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0049816 by Costin et al. (hereinafter "Costin") in view of InterLotto. Applicant respectfully traverses this rejection of the claims for at least the following reasons.

The present invention relates to systems and methods which are beneficial for increasing awareness of non-profit organizations' missions. Embodiments of the invention allow organizations (ORGs) and sponsors, such as businesses and corporations, to cooperate to increase awareness of the ORGs' missions, as well as advertise the sponsors' businesses. In this regard, embodiments of the invention provide a game or a quiz, such as trivia, on a website. In response to the playing of the game or taking of the quiz by a player, or participant, the sponsor makes a donation to the ORG, providing fundraising for the ORG. Playing of the game or taking of the quiz by a player, or participant, increases the awareness of the ORG's mission and also increases the name recognition of the sponsor. Accordingly, independent claims 21 and 27 recite "making a donation, by the Sponsor, to an ORG in response to the playing of the game by the player."

Neither Costin nor InterLotto teach or suggest at least this feature of the claimed invention. The Office Action cites Costin as disclosing "making a donation, by the Sponsor" at paragraph [0063]. However, Costin merely discloses that the corporate sponsors may be a source of funding. Nowhere does Costin disclose that the corporate sponsor makes a donation "in response to the playing a game by the player." The funding by the corporate sponsors disclosed in Costin merely refers to conventional payments for advertising space, for example.

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InterLotto also fails to teach or suggest at least the above-noted feature of the invention, as claimed in claims 21 and 27. InterLotto discloses an Internet lottery operated by a charitable organization. Players can pay to play an online lottery in the hopes of winning money. A portion of the prize pool is donated by the charitable organization to a charitable cause. The only parties involved in the disclosure of InterLotto are the charitable organization and the players. InterLotto does not include a sponsor, such as a corporate sponsor, seeking to increase name recognition, for example. Further, the "donation" disclosed in InterLotto is simply an amount that is contributed to a charitable cause on a regular basis, not in response to the playing of the game by a player. Accordingly, InterLotto fails to teach or suggest "making a donation, by the Sponsor, to an ORG in response to the playing of the game by the player."

Further, the Office Action inappropriately combines two unrelated references with no suggestion of a combination of the teachings. In order to establish obviousness, "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." M.P.E.P. 2143. In the present case, neither reference suggests a modification to achieve the present invention. For example, there is no suggestion in Costin to provide a quiz or a game to a participant, in response to which a donation is to be made by a sponsor. Similarly, there is no suggestion in InterLotto, published more than six years earlier, to combine with the teachings of Costin.

Further, the Office Action cites Costin as disclosing "interaction between the consumer and the Business/Sponsor" Applicant notes that neither claim 21 nor claim 27 recites an interaction between the consumer and a sponsor. The playing of a game by a player does not require the player to interact, either directly or indirectly, with the sponsor.

Thus, independent claims 21 and 27 are patentable over Costin and InterLotto. Claims 22-26 depend, either directly or indirectly, from allowable claim 21 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

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Claims 1-11 and 12-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Costin in view of InterLotto and U.S. Patent Application Publication No. 2004/0049816 by Shahar (hereinafter "Shahar"). Applicant respectfully traverses this rejection of the claims for at least the following reasons.

Similar to claims 21 and 27 discussed above, independent claim 1 recites "making a donation, by the Sponsor, to the ORG, in response to the taking the quiz by the participant." Claim 12 recites a similar feature. The Office Action relies on Costin and InterLotto for teaching all aspects of the claimed invention except for disclosure related to a quiz. As discussed above with respect to the rejection of claims 21-27, Costin and InterLotto fail to teach or suggest at least the above-noted feature. Shahar also fails to teach or suggest that feature.

Accordingly, independent claims 1 and 12 are patentable. Claims 2-11 depend, either directly or indirectly, from allowable claim 1 and are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 13-20 depend from allowable claim 12 and are, therefore, patentable for at least that reason.

New claim 28 depends from allowable claim 21 and is patentable for at least that reason. New claim 29 recites a feature similar to that discussed above with respect to independent claims 1, 12, 21 and 27. Accordingly, new claim 29 is patentable for similar reasons.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-1674. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

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entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1674. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-1674.

Respectfully submitted,

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